

FILED

JACKSON COUNTY

APR 21 2021

IN THE DISTRICT COURT OF JACKSON COUNTY
STATE OF OKLAHOMA

Tina Swailes
Court Clerk

MARTHA PAYNE, as parent and next friend of
M.P., a minor,

Plaintiff,

vs.

INDEPENDENT SCHOOL DISTRICT I-1 OF
JACKSON COUNTY a/k/a NAVAJO PUBLIC
SCHOOLS; and TIM HAGEN, an individual,

Defendants.

By: _____
DEPUTY

Case No. CJ - 21 - 36

PETITION

COMES NOW Plaintiff, Martha Payne, as parent and next friend of M.P., a minor, and for her cause of action against Defendants, alleges and states:

1. Plaintiff, Martha Payne, is and has at all times relevant hereto been a citizen and resident of Jackson County, Oklahoma. Martha Payne brings this action on behalf of her minor child, M.P. as next friend.
2. Minor Plaintiff M.P. is female and was at the time of the events described herein four-year-old child. M.P. is also a citizen and resident of Jackson County, Oklahoma.
3. Defendant, Independent School District I-1 of Jackson County, is also known as Navajo Public Schools ("NPS"). Defendant NPS is a duly constituted school district created by the laws of the State of Oklahoma and located in Jackson County, Oklahoma.
4. Defendant, Tim Hagen ("Hagen"), is and has at all times relevant hereto been a citizen and resident of Jackson County, Oklahoma. Defendant Hagen is an employee of Defendant NPS at all times relevant hereto.
5. Non-party, Brandon Sollis ("Sollis"), is an adult and at the time period referenced in this Petition was a student enrolled in high school at NPS.

6. The events giving rise to this lawsuit occurred in Jackson County, Oklahoma, between October 22 and 25, 2019.

7. Defendant NPS was properly served a Notice of Tort Claims on September 8, 2020, pursuant to the Oklahoma Governmental Tort Claims Act, 51 O.S. § 151, et seq., prior to the filing of this Petition.

8. After being served the Notice of Tort Claims, Defendant NPS effectively denied the tort claim under the Oklahoma Governmental Tort Claims Act by failing to approve or deny the claim within 90 days.

9. In October 2019, minor Plaintiff M.P. was a four-year-old child enrolled as a student in Pre-Kindergarten at Defendant NPS. As a student attending NPS, M.P. was transported to school on a school bus operated by Defendant NPS.

10. At all times relevant hereto, Defendant Hagan was the driver of the school bus that transported M.P. and Sollis to and from school. In addition to operating the NPS school bus, Defendant Hagan was responsible for the supervision and safety of all the NPS student passengers, including M.P., while on the school bus.

11. On or about October 22, 2019, M.P. and Sollis were riding the NPS school bus operated by Defendant Hagan. Sollis touched M.P. in a sexually inappropriate manner (Sollis placed his hand on M.P. "by where the seatbelt goes") and kissed M.P. while on the school bus.

12. M.P. told Plaintiff of the incident and Plaintiff informed M.P.'s schoolteacher, a representative of Defendant NPS. However, M.P. and Sollis continued to be seated on the same school bus and M.P. continued to be molested by Sollis.

13. Defendant NPS took no steps to prevent Sollis from further harming M.P. and allowed the two to continue to ride the same school bus operated by Defendant Hagan.

14. On or about October 23, 2019, M.P. was riding a Defendant NPS school bus that Defendant Hagan was operating when Sollis again kissed M.P. Both M.P. and Sollis were under the supervision and care of Defendants at the time of the incident.

15. On or about October 24, 2019, M.P. was riding a Defendant NPS school bus that Defendant Hagan was operating when M.P. was physically assaulted by Sollis. Both M.P. and Sollis were under the supervision and care of Defendants at the time of the incident.

16. An investigation by the Jackson County Sherriff's Office revealed that Sollis had molested M.P. on several occasions in 2019 by touching M.P. above and underneath M.P.'s clothes and kissing M.P. Sollis committed these acts on M.P. while M.P. was in the care of Defendant NPS. See Ex. 1 – Portions of the Jackson County Sherriff's investigative report.

17. Defendant NPS had a policy concerning students riding the school bus that included a seating arraignment. The arraignment was either ineffective or ignored by Defendants in that M.P. was able to be molested by Sollis.

18. Defendant NPS had actual notice of Sollis' proclivity for sexual conduct while at school for years prior to the events involving M.P. Defendant NPS's discipline records for Sollis reflect Sollis was suspended by Defendant NPS on October 31, 2016, for five days for "inappropriate sexual behavior." The October 31, 2016, incident was the third time within a month that Defendant NPS documented Sollis being engaged in inappropriate sexual behavior while at school and in the presence of other students and teachers. All of the 2016 incidents involved Sollis "touching himself" with the last documented instance Sollis pulled his pants down in order to "touch himself" underneath a table at school.

19. Defendant NPS was on actual notice as far back as 2016 that Sollis was prone to sexual activity while at school and lacked self-control and/or awareness to control himself while around other students at NPS. Consequently, Defendant NPS knew Sollis posed a serious risk to other students, such as M.P., who were enrolled for school with Defendant NPS if not properly supervised.

20. Despite the knowledge of Sollis's propensity for sexual activity while at school, Defendant NPS allowed Sollis to ride the school bus with children, such as M.P., without even so much as adequate supervision.

COUNT 1 – NEGLIGENCE

21. Plaintiff incorporates all the above allegations into this cause of action.

22. Defendants owed M.P. duties to provide M.P. with a safe learning environment, which includes M.P.'s safety while riding school buses operated by Defendants and safe supervision while in the care of Defendants.

23. Defendants breached their duties to M.P.

24. As a direct and proximate cause of Defendants' negligence, M.P. sustained and will continue to sustain physical and mental damages.

25. Defendant NPS is liable for the negligent acts of its employees, servants, and agents, such as Defendant Hagen, by virtue of *respondeat superior*.

COUNT 2 – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

26. Plaintiff incorporates all the above allegations into this cause of action.

27. The actions of Defendants in the setting in which they occurred were so extreme and outrageous as to go beyond all possible bounds of decency and would be considered atrocious and utterly intolerable in a civilized society.

28. Defendants recklessly caused severe emotional distress to Plaintiff beyond which a reasonable person could expect to endure.

29. M.P. suffered injuries, losses, and damages as a result of Defendants' infliction of emotional distress for which Plaintiff is entitled to recover.

COUNT 3 – TITLE IX

30. Plaintiff incorporates all the above allegations into this cause of action.

31. As a member of a protected class, M.P. is protected by the provisions of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.

32. Defendants were on actual notice of Sollis's propensity for sexual activity at school and the danger he posed to school children like M.P.

33. Defendants were deliberately indifferent when they placed Sollis on a school bus with children much younger than him with the knowledge he had pulled his pants down, during class, and fondled himself in front of other students and teachers.

34. Defendant NPS employees, including Defendant Hagen, had actual knowledge of the sexual harassment by Sollis against M.P. and responded with deliberate indifference.

35. Defendant NPS ratified the actions and inactions of its employees by failing to take any steps to protect M.P. upon notice of the harassment.

36. As a direct and proximate result of Defendant NPS's actions and inactions, M.P. has been injured and sustained physical and mental damages.

COUNT 4 – 42 U.S.C. §1983

37. Plaintiff incorporates all the above allegations into this cause of action.

38. Defendants created a very real danger for M.P. or, in the alternative, increased M.P.'s vulnerability to the danger presented by Defendants allowing Sollis to be on the school bus with young school children, like M.P., while inadequately supervised.

39. M.P. is a female minor child and, as such, the member of a limited and specifically definable group.

40. M.P. was injured because of Defendants' failures concerning Sollis and his history of sexual activities while at school.

41. Defendants failed to perform any meaningful investigation into Sollis's sexual propensities before placing him on the school bus with children like M.P.

42. Defendants acted with reckless disregard for the risk and the conduct by Defendants shocks the conscience.

43. Defendant Hagen was tasked by Defendant NPS with the supervision of M.P., Sollis, and all the other school children while on the school bus.

44. Defendant Hagen failed his duty to supervise the school children on the school bus, which created the situation that permitted M.P. to be abused by Sollis.

45. As a direct and proximate result of Defendants' actions and inactions, M.P. has been injured and sustained physical and mental damages.

DAMAGES

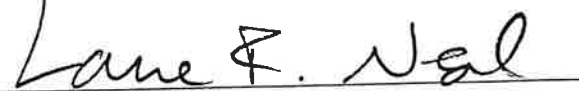
46. Plaintiff incorporates all the above allegations into this cause of action.

47. M.P. has sustained actual physical and emotional damages as the direct and proximate result of Defendants actions and inactions in an amount in excess of \$75,000.

48. Defendants' actions were also reckless, intentional, and wanton conduct in disregard of M.P.'s rights such that punitive damages in excess of \$75,000 should be awarded against Defendants to set an example to others similarly situated that such inexcusable conduct will not be tolerated.

WHEREFORE, Plaintiff, Martha Payne, as parent and next friend of M.P., a minor, prays for actual and punitive damages against Defendants, Independent School District I-1 of Jackson County a/k/a Navajo Public Schools and Tim Hagen, an individual, in an amount in excess of \$75,000, plus her costs, interest, attorney's fees and such other relief as the Court deems just and equitable.

By: DURBIN, LARIMORE & BIALICK



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JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIMED

JACKSON COUNTY SHERIFF OFFICE600 S Main Altus, Oklahoma 73521
(580)482-0408**INCIDENT REPORT**


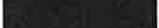
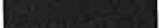

Report Number	191008	
Reported On	10/25/2019 08:30	NCIC Number
Incident Date / Time	10/22/2019 00:01 and 10/25/2019 08:29	
Type of Report	JUVENILE	
Arrestee		
Suspect	SOLLIS, BRANDON	
Report Person		
Originate Officer	GARRETT, RUSTY	
Location of Offense	Navajo School Bus	
IBR	11D SEX - FORCIBLE FONDLING	
Charge Description	21 O.S. § 1123(A)(4) • Lewdly or lasciviously looks upon, touches, mauls, or feels the body or private parts of any child under 16 years of age in any indecent manner or in any manner relating to sexual matters or sexual interest, the accused is at least 3 years older than the victim.	
Case Status	CLOSED	
Investigator Assigned	GARRETT, RUSTY	
Date Assigned		
Date Cleared		
Clearance Type	Cleared - By Arrest	
Clearance Disposition		



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ADMINISTRATIVE • Send this report to OSBI as a part of SiBRS? NO			
Case Number	191008	Report Date	10/25/2019 08:30
Occurred Between	10/22/2019 00:01 and	10/25/2019 08:29	Case Approved YES
Type of Report	JUVENILE	Case Sensitive	NO
Case Status	CLOSED	Clearance Type	CLEARED - BY ARREST
Clear Disposition		Date Assigned	

OFFENSE(S) INFORMATION	
1	11D SEX - FORCIBLE FONDLING Charge From WARRANT REQUEST Charge Desc. 21 O.S. § 1123(A)(4) • LEWDLY OR LASCIVIOUSLY LOOKS UPON, TOUCHES, MAULS, OR FEELS THE BODY OR PRIVATE PARTS OF ANY CHILD UNDER 16 YEARS OF AGE IN ANY INDECENT MANNER OR IN ANY MANNER RELATING TO SEXUAL MATTERS OR SEXUAL INTEREST, THE ACCUSED IS AT LEAST 3 YEARS OLDER THAN THE VICTIM.

PARTY INFORMATION	
1	MP, Party Type VICTIM DOB _____ Age _____ Sex _____ Race _____ Hair _____ Eye _____ Height _____ Weight _____ Ethnicity _____ SSN _____ DL _____
2	SOLLIS, BRANDON Party Type SUSPECT DOB  Age 18 Sex  Race WHITE Hair  Eye _____ Height  Weight _____ Ethnicity _____ SSN _____ DL _____
3	GARRETT, RUSTY Party Type OFFICER

SUSPECT(S) INFORMATION	
1	SOLLIS, BRANDON Victim Of Offender MP, Victim was Otherwise Known Last Seen Date _____ Last Seen Location _____ Last Seen With _____

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SUSPECT(S) INFORMATION	
1	SOLLIS, BRANDON Clothing Description Amputations Artificial Limbs Medical Problems Surgery Broken Bones Other Description
OFFENSE 1	
Victim of Offense	MP
Charge From	WARRANT REQUEST
Charge Description	21 O.S. § 1123(A)(4) • LEWDLY OR LASCIVIOUSLY LOOKS UPON, TOUCHES, MAULS, OR FEELS THE BODY OR PRIVATE PARTS OF ANY CHILD UNDER 16 YEARS OF AGE IN ANY INDECENT MANNER OR IN ANY MANNER RELATING TO SEXUAL MATTERS OR SEXUAL INTEREST, THE ACCUSED IS AT LEAST 3 YEARS OLDER THAN THE VICTIM.
Warrant Number	
Offense	COMPLETED
Location of Offense	NAVAJO SCHOOL BUS
Geographic Loc.	~FRIENDSHIP~
Premise Type Name	SCHOOL BUS
Premise Type	VEHICLE
IBR Code	SEX - FORCIBLE FONDLING
Type Weapon / Force Involved	PERSONAL WEAPONS (HANDS, FEET, TEETH)

VICTIM(S) INFORMATION	
1	MP, Victim Type INDIVIDUAL Type of Injury NONE NCIC Number Location of Injury Injury Location Code F3

NARRATIVE(S) INFORMATION	
1	GARRETT, RUSTY • Report this narrative to OSBI? NO On 25 October 2019 I was performing my duties as a Deputy Sheriff for the Jackson County Sheriffs Department when I received a report of a possible sexual assault at Navajo Public Schools. I departed the Sheriff Department traveled to Navajo School (15695 South County Road 210). When I arrived at the school, I was escorted to the office of David Doss (High School Principal). Mr. Doss told me that there had been an incident on a school bus involving a 4-year-old girl (MP) and an 18-year-old boy (Brandon Sollis). Mr. Doss escorted me down the hall to the office of the Superintendent (Vicki Nance). We were joined in the office by the mother of the child (Martha Payne), Superintendent Nance, Pre-K teacher Holly Ford, Special Education Teacher Kristi Dill, and Elementary Principal Shawn Sager. We all sat down at a large conference table to discuss what had transpired. Mr. Sager began the conversation by stating he had received information that Brandon had kissed MP on the forehead while they were riding on the school bus. MP had disclosed that it made her uncomfortable.

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The next to speak was Mrs. Payne. She told me that on the previous day, MP had disclosed to her that Brandon had put his hand on her "by where the seatbelt goes" and that Brandon had kissed her on the lips. Mrs. Payne said MP explained to her that Brandon said he "loved her" and that they kiss because they are in "love". David Doss followed Mrs. Payne by stating that he had talked with Brandon about the incident. Brandon told Mr. Doss that MP had been sitting on his lap while on the bus. Next to Brandon and MP sat LL (5yr old cousin of Brandon). Across the aisle from the trio was a juvenile (CR). Brandon stated that CR told MP to kiss him. Brandon said that MP (who was sitting on his lap), kissed him on his forehead and cheek. Brandon responded to the kisses by returning a kiss to MP on her forehead. Brandon explained that the next day (Wednesday), MP got in his lap again and kissed him on the forehead. He responded like the first instance by kissing her on the forehead. Brandon told Mr. Doss that it was wrong to kiss her.

Mr. Doss told us that he had spoken with one older child on the bus that might have been a witness. Mr. Doss said that he talked to EG (female), who sits directly behind Brandon. EG told Mr. Doss that on Tuesday she saw MP sitting, facing Brandon in his lap. EG said that she saw Brandon kiss MP more than one time. Mr. Doss did not state if EG saw exactly where MP kissed Brandon.

Besides talking to EG, Mr. Doss stated he talked to the bus driver (Tim Hagen). Mr. Hagen told Mr. Doss that MP was very energetic and that he has a hard time keeping her in her seat. On one instance, MP tried to get off the bus with Brandon and LL. Mr. Hagen stopped MP from exiting with Brandon.

Elementary Principal Sager told me that he talked to CR (boy) about what he saw on the bus. CR told the principal that he never asked MP to kiss Brandon and never asked Brandon to kiss MP. He stated he saw MP sitting on Brandon's lap (facing him) and that he saw him kiss her on her cheek and hand.

Mr. Sager asked Mrs. Ford to explain to me what and transpired between her and Mrs. Payne that led to deputies being called. Mrs. Ford told me that she had been in contact with Mrs. Payne about a concern. Mrs. Payne had contacted her about a boy (Brandon) that had been kissing her daughter MP on the bus. Mrs. Payne assumed that Brandon was a Pre-K classmate of MP. When Mrs. Ford heard the story, she explained to Mrs. Payne that she did not have a Brandon in her class. Mrs. Payne was extremely concerned and asked her son DP who Brandon was and what he had seen on the bus. DP told his mother that Brandon was a big kid (high school) and that he had seen MP sitting in his lap kissing him. I asked each of the parties involved to fill out a voluntary statement form. I explained to each that I would pick them up the following Monday.

When I left Navajo School, I drove to the home of Brandon Sollis (20697 ECR 159). When I arrived at the home, I was greeted by the stepfather of Brandon (Randy Kyle). Mr. Kyle asked me why I was there. I explained to Mr. Kyle that there had been an incident on the bus. I told Mr. Kyle that a young girl was accusing Brandon of kissing her. Mr. Kyle explained to me that Brandon was different than most 18-year-old boys. He stated that Brandon was in special education classes. He also said that even though Brandon was special, he still knew better than to kiss girls on the bus.

Brandon was suspended from Navajo School for inappropriate behavior on the bus. School discipline records show the suspension was triggered by Brandon's admission of kissing MP on the bus.

On Monday, 28 October 2019, Mrs. Payne came to the Jackson County Sheriff's Department to drop off her statement form and to visit with me. In her statement, Mrs. Payne mirrored what she had told me at the school on Friday except for a few items. Over the weekend, she had an opportunity to speak with both her children in detail about the incident. DP disclosed that when he saw Brandon kiss his sister, Brandon told him "If you tell your mother I am going to punch you". Brandon then lightly punched DP in the arm and stated, "just kidding". DP also told his mother that he heard Brandon telling MP that he loved her and that he was her boyfriend.

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The biggest disclosure came from MP. MP told her mother that Brandon had done more than just kiss her on the lips. MP disclosed that Brandon had put his hand into her pants and had touched her "pee pee". She told her mother that after Brandon touched her "pee pee" he laughed and thought it was funny. Mrs. Payne said that she had contacted the school with the new information and that they were unaware of the kissing on the lips or the inappropriate touching.

The following day, Tuesday, 29 October 2019, I traveled back to Navajo School to pick up the voluntary statement forms that I had dropped off. I received completed forms from Kristi Dill, Tim Hagen, Shawn Sager, Vicki Nance, David Doss, Danielle Tucker (Counselor), and Holly Ford. The statement forms retrieved from school staff match the verbal statements given on 25 October 2019. While I was at the school, I asked for a list of students who ride the bus and their parents. School staff were concerned that contacting all parents might cause undue concern. They watched bus video of who gets off and, on the bus, to determine exactly which kids were riding that day. They also checked seating arrangements to determine which students were able to have witnessed the interaction between MP and Brandon.

The school provided a list of ten juveniles (SM, CM, AM, DP, EG, AP, PP, KA, BA, and CR). The parents of the juveniles were contacted to see if they could be interviewed. During the next two weeks, seven of the ten were interviewed by Sheriff Department Deputies and two of the last three were interviewed by school staff. One student, AP, was not interviewed by any agency. In the interviews, several of the children viewed the interactions between MP and Brandon, and several did not.

DP, EG, KA, BA, PP, and CR all saw MP sitting in Brandon's lap facing him. The same 6 children saw MP sitting in Brandon's lap facing away. The other 4 children did not see MP in his lap. DP, EG, KA, BA, PP, CR, and AM all saw either Brandon kiss MP or MP kiss Brandon. Only DP and BA, reported seeing Brandon and MP kiss each other on the lips. Each child interviewed was asked if they knew the difference between OK and Not OK touches. None of the children interviewed stated they witnessed any Not OK touches between Brandon and MP.

On 31 October 2019, MP and her mother were brought to the Altus Police Department for a forensic interview. Mr. Ronnie Webb of the Oklahoma Department of Human Services was brought in to do the interview. Mr. Webb was tasked with determining exactly what MP remembered about the incident.

The interview began at 08:08:09 hours with Mr. Webb introducing himself to MP and telling her about the room. He told her that she needed to use words (not nod) when answering his questions. MP stated she was 4 years of age. She knows who she lives with, how to spell her name, and what the name of her teacher is. She understood what rules are. She explained what two rules were in Mrs. Ford's class. Mr. Webb told her the rules for the interview. Mr. Webb told her it is OK to correct him if he is wrong. MP was able to comprehend what he was talking about. Mr. Webb also told her it is OK to say I don't know and I don't remember. MP was able to model the traits for Mr. Webb. The final rule dealt with telling the truth and telling lies. MP was able to distinguish between truth and lies.

MP was able to describe in detail her room, dolls, and what she likes to watch on television. Mr. Webb shifted focus and produced anatomical drawings of a boy and girl. MP identified the drawing of the girl as one that looked most like her. For the purposes of this report, she identified breasts as boobies, the vagina as pee pee, and the buttocks as butt. Likewise, she identified parts on a drawing of a young male. She identified the breasts as boobies, the penis as weenie, and the buttocks as butt.

Mr. Webb asked her if she knew the difference between OK and Not OK touches. MP said when people touched her hair she didn't like it so it was Not OK. Mr. Webb asked her to identify parts on the drawing of the girl that were Not OK to touch. MP identified the boobies, butt, and pee pee as Not OK places to touch. She identified the boobies, weenie and butt as Not OK places on the male drawing.

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MP was unable to identify any specific person or persons who had ever touched her in a Not OK place. She started to say someone touched her pee pee, but then said "I don't know". Mr. Webb asked her again about people touching her pee pee and she said "I don't know". He asked her if anything ever happened on the school bus and she repeated "I don't know". Mr. Webb even asked her if she ever told anyone anything happened on the school bus and she said "I don't know".

Mr. Webb took a short break. When he returned, he asked MP how she got to school. She told him she rode on the school bus. She told him she knew who Brandon was. Mr. Webb asked her if she remembered telling someone about Brandon. She said she told about him touching her pee pee under her undies. Mr. Webb repeated "Brandon touched your pee pee under your undies"? MP corrected him and said "panties". Mr. Webb corrected his statement and said "Brandon touched your pee pee under your panties"? MP corrected him again and said "undies".

MP was asked if Brandon touched her pee pee one time or a bunch of times. MP told him "a lot". Mr. Webb asked what Brandon had touched her pee pee with and she replied "his hand". She also told Mr. Webb that Brandon said it was funny.

When they discussed the incident further, MP told Mr. Webb that Brandon had told her he loved her. Mr. Webb inquired further and found out that MP was sitting on Brandon's lap on the school bus during the incident. MP was asked if she knew what happened before Brandon touched her pee pee. She stated "I don't know". Mr. Webb went back over the incident again. MP acknowledged she was sitting in Brandon's lap, he told her he loved her, and he put his hand in her undies and touched her pee pee.

Next, MP was asked if Brandon had ever asked her to come to his house. MP said "no" MP also said he never asked to come to her house or asked to go home with her. MP did state that while she sat in his lap, Brandon kissed her. She said she didn't like it. Brandon kissed her on her hand, forehead, cheek, and lips. Brandon told her he loved her each time he kissed her.

Finally, Mr. Webb began to shut the interview down. He recapped the session with MP. MP looked at his forensic drawing and identified each section. She was able to recap about her family, her house, her bedroom, and the incident on the bus. During the recap of the bus incident, MP stated she sat in his lap, he kissed her (listed location), said he loved her, and put his hand in her pants and touched her pee pee. The interview concluded at 08:51:37.

On 08 November 2019, Brandon Sollis, his father Tim Sollis, his mother Julie Kyle, and his stepfather Randy Kyle came to the Jackson County Sheriff's Department. The purpose of their visit was so Brandon could be interviewed. When they arrived, Tim Sollis asked about what was going to happen during the interview. I explained to them that I was going to try and determine several things during the interview. I told them that during the interview I would ask numerous questions trying to show at what level Brandon was functioning, that I would ask questions to determine his background, and finally to determine what he remembered happened on the bus.

I explained to the family that I was going to be taking Brandon to an interview room to begin the process. Mr. Sollis told me that he thought a family member would be able to attend the interview. I explained that because he was 18, he would be interviewed alone. Mrs. Kyle, Mr. Kyle and Mr. Sollis stated they wanted to visit among themselves to determine if they would allow Brandon to be interviewed. A short while later, Mr. Sollis came back to talk to me. He asked what would happen if Brandon wasn't interviewed. I told him that I had talked to everyone else involved and was writing what they said in my report. I said that this would be the only opportunity Brandon would have to get his statement included in the report. The Kyle's and Mr. Sollis agreed to let me interview Brandon. Before I led Brandon to the back, I explained to all that we were going to a noncustodial interview room and that Brandon was free to leave at any point.

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Brandon and I entered interview room 107 at approximately 18:27:12 hours. I began talking in generalities with Brandon. He stated his age and birthdate. He knew his address was 20697 ECR 159, Altus, OK. He also knew his mother's phone number and his stepfather's phone number. Brandon could state the age of his mother and stepfather. Brandon told me that he did not live in the big house with his mom and Randy any longer. He recently moved next door and lives by himself.

When asked about siblings, Brandon told me that he has a sister Catlin Sollis (17), a sister Sienna Sollis (12), a sister Jaidyn Turner (10) and a brother Aaron Sollis (20). Brandon explained that Caitlin, Sienna, and Aaron live with his father (Tim Sollis), and Jaidyn lives with Mom and Melanie in Texas. Brandon said that Julie Kyle and Tim Sollis were married and adopted Catlin, Sienna, Aaron, and him in 2003. The couple divorced in 2009 leaving the children to bounce between the two. I asked Brandon if he ever knew who his bioparents were. He told me their names were Sarah and Peter.

Next, I asked Brandon about animals at his home and if he had to do any chores. Brandon told me that they have a dog named "Trump". He smiled and said, "After Donald Trump". They also have 7 rabbits, goats, sheep, and chickens. One of his daily chores is to feed and water the animals. Other than caring for the animals, he also helps by cleaning his room, the bathroom, living room, and den.

Brandon seemed excited when we started talking about his interests and what he liked to do. He is really into sports. He is an Oklahoma City Thunder fan and an OSU football fan. He told me he especially liked to watch gymnastics and softball. He currently plays basketball for the Navajo Indians and is a guard/forward. He told me he wears number zero. We started talking about what else he watches besides sports. Brandon enjoys the Masked Singer, Americas Got Talent, and Youtube videos.

After we finished talking about his interests, we started talking about his friends. Brandon told me that he has many friends. He was able to list 10 different boys and girls at his school that he considers his friends. He was also able to tell me what grade each was in. I asked Brandon what he does with his friends. He explained they go to Martha Road Church for youth night and Friendship Baptist Church on Sundays. Other than church, they just hang out, play basketball, talk, and tell stories.

I inquired if he and his male friends ever talk about girls. At first, he said they never talk about girls. I told him that most boys talk about girls and he changed his mind and said "sometimes". I asked if they talked about girls that were "pretty" or "not pretty". Then "nice" or "not nice". Brandon said he didn't want to be "judgy". I asked if they never, ever talked about pretty girls and he said it was rare.

I shifted focus back to where he said he watched Youtube videos. I asked about computer access. He explained that the laptop computer at his mother's house is currently broken, but he has access at his father's house. Brandon told me he is "all into social media". He uses Instagram and Facebook. He stated he enjoys playing Jailbreak, Mad City, and Football Universe. Other than video games, he said he watches music videos, sports, and wrestling.

I started to probe during this portion of the interview. I asked Brandon if he ever looked at videos he shouldn't be watching on the computer. He said that his mother's computer had Norton Family Safety on it and he couldn't access that sort of stuff. I asked if he had tried and he said "yes". His father's house was another story. At first, he told me "no" he hadn't seen any of that stuff. I pressed and he told me that Aaron watched inappropriate stuff on the computer, and he had gotten a glimpse of it. He claimed that he didn't want to watch. He finally admitted that he watched videos with Aaron on the computer. In the videos, he stated the people were dressed and undressed. There were boys with girls and girls with girls.

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1 GARRETT, RUSTY (Continued)

Most of the people were older than him, but some were the same age.

I asked Brandon how the videos made him feel. He told me "kinda not good". I told him that if it was kinda not good, then it also could have been kinda good. He agreed that the videos were kinda good. We started talking about the women in the videos. I asked if Brandon had ever seen an undressed woman in real life. He told me that he had not.

We went back to talking about the videos. I asked him about the kinda some good videos. I told Brandon that I was going to show him a drawing that showed several different girls without their clothes on. I asked him to circle the girls that were "kinda some good". The drawing I showed Brandon actually showed the developmental stages of a female. There were five female figures. The figures ranged from a young girl to a fully developed woman. Brandon looked at the page for a few seconds and circled on the figure of the young girl. I asked Brandon what made that one "kinda good". He pointed at the breast area of the figure and stated that they weren't big.

In order to understand the verbiage that Brandon was using, I told him we were going to discuss what he called certain body parts. I showed Brandon a drawing of a very young girl that was unclothed. Brandon immediately began to stare at the vagina area of the drawing. We went through and labeled all the body parts of the young girl according to what Brandon called them. For this report, Brandon called the breasts, "breasts", the vagina "vagina", and the buttocks "bottom".

I asked Brandon to identify on the drawing of the 5 girls what he didn't like about the other drawings. Brandon pointed to the breasts of the other 4 drawings and stated that they were big. I asked him if there was anything else about the drawings he didn't like. He paused for a minute and didn't say anything. I asked him about the vaginas of the other girls. He pointed to the pubic hair on the other drawings and stated that he liked the picture of the little girl because her vagina wasn't big.

After we labeled the parts of a girl, we labeled the parts of a boy. Brandon was shown a drawing of an unclothed boy and asked to tell what he called each part. For the purposes of this report, Brandon called the penis "penis", and the buttock "bottom".

When all the body parts had been labeled, I asked Brandon to describe what happened in the videos. Brandon stated that the boys and girls were having sex. I inquired as to what Brandon thought sex was. At first, he tried telling me that it was when a boy and a girl slept together. I asked him if that was happening in the videos. He told me that the boy had his penis in the girl's vagina. He explained that in the video, not only did the boy put his penis in her vagina, he kissed her on the lips, and touched her breast. When asked what she did, he told me that she "moaned". He also stated that at the end of the video, the man's penis was hard and "white stuff" came out of it. The "white stuff" was said to have gone into the female.

I asked Brandon if the videos made him feel kinda good. He told me that they did. I asked him if his penis ever got hard while he was watching them. He told me that sometimes it got hard, but only for a minute. I asked him if he ever made the "white stuff" come out of his penis. He said he did sometimes. I asked him how he did it and he told me that he did it while he watched the videos. When asked if anyone ever saw him make the white stuff come out, he said "only his brother". Brandon told me that he has observed his brother making the white stuff come out and his brother has observed him making the white stuff come out. Brandon denies that his sisters have ever seen him and that Aaron has ever helped him make the white stuff come out. Brandon also told me that he has never helped Aaron make the white stuff come out.

Next we started talking about school. Brandon knew he went to Navajo School. He told me he rides the bus

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1 GARRETT, RUSTY (Continued)

to school. When shown a diagram of the school bus, he knew where he sat and knew the bus driver was Tim Hagen. Brandon showed me two separate locations where he sat on the bus. I asked him who he sat with. He told me he used to sit with Sienna before she moved back with his dad. He told me now he sits with his cousin. I asked who his cousin was and he told me LL. I then asked if anyone else ever sat with him. Brandon stated that about two weeks ago a girl started sitting with him. He eventually told me her name was MP.

Brandon said that on Tuesday afternoon he was sitting with LL and MP when a boy across the aisle CR told MP to kiss him. Brandon stated that he was giving a sign to CR to stop but he didn't. Finally, Brandon said he gave up and let her kiss him on the cheek. Brandon said he gave MP a goodbye kiss on the cheek and then a kiss on her forehead.

The next morning (Wednesday), Brandon, MP, and LL were all seated together on the bus. MP began kissing Brandon again on the cheek and forehead. Brandon returned the kisses, by kissing her on the cheek and forehead. Just before the bus arrived at the school, MP kissed Brandon on the lips. Brandon said he kissed MP back on the lips. After the two had kissed each other on the lips, Brandon claims he wiped her lips off with his hoody.

I asked Brandon where MP was when he was kissing her. Brandon replied that she was sitting on his lap. Brandon admitted MP sat facing away from him and facing him while they kissed. Brandon demonstrated the positions by placing his knees together to indicate she was facing away and spreading his legs apart to indicate she was facing him. He also stated that during this time, MP gave LL and him a hug. He replied by giving her a hug in return. I asked about how she was sitting when she was facing him. I asked if she was straddling him and he said "no". I told him that other kids had seen her sitting that way and he stated he did not remember.

When I asked if he ever heard the word "love" he said "no". Once again I told him that other kids on the bus had heard them talking about love. Brandon admitted that he told MP that he loved her, but he meant it only as a friend. He told me he tells all his friends he loves them. Brandon also admitted that MP told him that she loved him.

I asked Brandon if it was kinda good or not kinda good when she was sitting in his lap kissing him. He told me it was not kinda good. I asked him if he ever wondered what it would feel like to touch a vagina. He said "no". I asked him if he ever touched a vagina and he said "no". He said all he ever did was touch her knee and thighs. I asked if he ever put his hand into her shorts. He said "no", then "not that far". Then he changed back to "not at all".

Next I asked if he ever touched her tummy. He started talking about giving her hugs. He demonstrated how he wrapped his arms around her stomach. He said he never put his hands in her clothing. I told him that kids saw them kissing. He responded yes. I said kids saw her sitting facing him and away from him. He responded yes. I told him that when she was sitting facing him, her vagina was actually touching his penis. I asked if that was when he touched her bottom. He responded that she was facing away from him when he put his hands under her buttocks.

I asked him if it felt good when her vagina was touching his penis. He said it only feels good when he makes the white stuff come out. I asked which hand he put into her shorts. He said he never put his hand into her shorts. I told him that MP said he put his hand into her shorts and why would she say that. He said he didn't know. I asked why other would say the same thing. After these questions, Brandon started staring at the vagina area on the drawing. He then told me "If I did, I don't remember".

Again, I inquired about touching her. I asked "when you ran your hand down there are you sure she didn't

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1 GARRETT, RUSTY (Continued)

have that stuff (Pubic hair) down there?" I stated "Only you would know". Brandon said "yes". He then said she is a little girl about the same age as LL. Brandon tried to shift the focus of the interview by stating he only gave her a kiss to be friendly.

Focus was brought back to the issue at hand when I asked again if he ever wondered what it would be like to touch a real vagina. This time, Brandon said "yes", but if she was his age, maybe 18 or older. I told him that no girl 18 or older said she loved him or kissed him. I reminded him that MP looked like the girl in the picture. She had no breasts and no pubic hair. I told him that is what he said he liked. Still, Brandon denied touching her.

Suddenly, Brandon stated he only touched her under her shirt on her back. He told me he never touched her under her shirt in the front. I asked if he ever tried to reach around for a quick touch and he said "no". Brandon stated that while she sat facing away, he put his hands under her shirt and rubbed her back.

I tried again to ascertain if Brandon had touched the vagina of MP. I asked him which direction she was sitting when he put his hand down her pants. Brandon motioned like her legs were on either side of him. He caught himself and stated he only touched her back and bottom. I circled the vagina area on the drawing. I pointed out it didn't have hair. I said "you couldn't tell me it wouldn't be kinda good to see what it felt like". Brandon said it would be kinda good. I reminded him that MP said she loved him. I reminded him that people who love each other do it. I even pointed out that all the people on the movies were doing it.

Brandon kept staring at the vagina area on the drawing. I asked him if his penis got hard. He replied yes, but only for a minute. When asked what he was doing when it got hard, he replied that he was just sitting there. I asked him what actually happened to get it hard, and he told me it happened when she was "all up on it". I inquired if she moved around while she was on it and he just mumbled. He stated that she did not move around enough to make the white stuff come out. He explained the only way to make the white stuff come out his to use your hand. I asked him if he made the white stuff come out thinking about MP and what he had done. Brandon stated "no" because he was staying at his grandparents house.

Next I sort of summarized what he had said. I told him, "so you were sitting there kissing her, your penis was hard, she was rubbing all up on it — didn't that feel kinda good"? Brandon replied "yes". When I asked about touching her back, Brandon said it was soft, but not really soft. He told me that while he was rubbing her back, he did not see if she smelled good. Next I asked if her tummy was as soft as her back or softer. Brandon tried to change the subject. He started showing me how he hugged her. He demonstrated having his hands around her. He told me she had her hand on his hand. I asked again if her tummy was soft, and he said it was.

We talked next about her hand. I asked if she moved his hand down to her vagina. He said no. I reminded him the girls in the movies wanted guys to touch them down there. I told him she said "I love you". I reminded him they kissed on the lips. I asked him "don't you think she wanted you to touch her there"? He shook his head no. I stated "but your penis was hard".

I started pressing the issue by stating "If I had been kissing a girl and she was sitting in my lap and my penis was hard, I would want to touch her there. Brandon kept staring at the vagina on the drawing. Brandon suddenly stated "maybe if she was my girlfriend I would. Brandon seemed to catch himself again and state "but she is way younger". I reminded him that MP said he was her boyfriend.

I reminded Brandon that he said he might have touched it with his left hand and he replied yes. I told him all you did was touch it, you didn't try to stick your finger inside. He told me no, he didn't try to

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1	<p>GARRETT, RUSTY (Continued)</p> <p>stick his finger inside her. I repeated the question by stating "all you did was put your hand on top of it"? Brandon replied "yes". I asked Brandon "When you touched it right there, did you feel any hair on it"? Brandon replied "no". Brandon told me that when he touched MP on the vagina he did not say anything to her and she did not say anything to him.</p> <p>I wanted to summarize things to this point. I told Brandon "you touched it, it didn't have hair on it, you touched it with your left hand". Brandon replied "yes". When asked which way she was sitting when he touched it, he motioned that her legs were on either side of him.</p> <p>I inquired if her shorts had an elastic waistband. He corrected me and told me she was wearing pants. I asked if they had an elastic waistband or if he had to unbutton her pants to get his hand inside. He told me that he thought they were elastic where he could just stick his hand in. I recapped one more time by pointing at the drawing. I pointed to the vagina and stated "you said you touched this". Brandon replied yes. Brandon stated he never touched the breasts when asked. He then stated he only touched her vagina. I asked Brandon if touching her vagina made his penis hard. He said "no", it got that way when she was sitting on it. Brandon stated he had nothing else to tell me about the incident.</p> <p>After we finished talking about the bus incident, we shifted focus to boys. I pointed to the penis on the drawing of a young boy. I asked Brandon if anyone, other than him had ever touched his penis. Brandon started by saying "no", the "wait", then, "nobody except my brother". I asked when his brother had touched him. Brandon said it was last year, maybe summer. I asked what he did when he touched it. Brandon told me he touched it and also went down and touched the "nuts area". I inquired if his brother had touched it or done something with it. Brandon changed the subject. He said that he had gotten out of the shower or was changing his underwear.</p> <p>We started exploring the incident more. I asked what his brother had said. He told me his brother told him to come over to him and he touched it with his hand. He explained that his brother did not rub or pull on it, but merely squeezed it. He said his penis got hard while his brother squeezed on it. I asked if the white stuff came out. He said it does not come out when you squeeze it, only when you rub it up and down.</p> <p>When I asked if his brother tried to kiss it, he paused. He said his brother never kissed or rubbed it, only squeezed it till it hurt. He told me it was not an isolated incident. His brother had touched his penis on several occasions. Brandon told me that on once instance his brother made him touch his penis. He said he did not want to and pulled away.</p> <p>Brandon's brother also was reported to have touched and squeezed the bottom of Brandon. Brandon denies receiving or performing anal sex with his brother. Brandon denies any other sex acts with his brother. Brandon also denies any sex acts with either sister.</p> <p>Finally we started to wrap up the interview. We started with the drawing of the development of girls picture. Brandon stated he liked the little girl because she had little breasts, a little vagina, and no stuff (pubic hair) down there. We then talked about the picture of the little girl, Brandon stated he kissed MP on the lips, put his left hand down her pant and touched her vagina, touched her under her shirt on her back, and touched her bottom. Brandon then was asked about the picture of the boy. Brandon said he watched videos with his brother, he made the white stuff come out, watched his brother make the white stuff come out, touched his brothers penis, watched his brother touch his penis, and felt his brother touch his bottom.</p> <p>The interview concluded at 19:54:07 hours.</p>

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1 GARRETT, RUSTY (Continued)

On 12 November 2019, I traveled to Navajo School to pick up school records for Brandon. Randy Kyle, Julie Kyle and Brandon all signed a waiver allowing deputies access to Brandon's records. School officials provided Special Education Records, Discipline Records, and Academic Records for Brandon.

The discipline records show a relevant incident that occurred 31 Oct 2016. In the report, Brandon was suspended from school for 5 days for inappropriate sexual behavior. The report also stated it was the 3rd instance with a month. School officials informed me that Brandon was "touching himself" under the table during the first two instances. During the last instance, he actually pulled his pants down and was

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1	<p>GARRETT, RUSTY (Continued)</p> <p>"touching himself" under the table. School officials stated that when the parents were contacted, they claimed it was because he was not taking his medications.</p> <div style="background-color: black; height: 100px; width: 100%;"></div> <p>Title 21 Section 1123 of the Oklahoma Statutes says it is a felony for any person to knowingly and intentionally look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by acts against public decency and morality as defined by law.</p> <p>In this case, Brandon Sollis admitted that while riding to school on the bus, he had a 4 year old girl (MP) sit in his lap. The girl sat on Brandon's lap straddling him. While the girl sat in his lap, Brandon achieved and maintained an erection. Additionally, Brandon admitted to kissing the girl on the lips, putting his hand under her shirt and rubbing her back, and placing both hands under her buttocks. At one point during the interaction Brandon stated he placed his left hand inside her pants and underwear so that he could touch her vagina.</p>

IT IS UNLAWFUL TO FALSELY REPORT A CRIME.
WILL YOU PROSECUTE: (Y/N) _____

_____ REPORTED BY	_____ DATE	_____ REPORTING OFFICER	_____ DATE	_____ REVIEWED OFFICER	_____ DATE
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Date of Seizure _____ County _____
 Report Number 191008 Evidence Number _____
 Officer Making Seizure _____

----- ATTACH COPY OF REPORT AND AFFIDAVIT -----

Name and Current Address of Claimants to the Property Seized:

NAME	ADDRESS

CASH / CURRENCY Amount of Money Seized:**----- ATTACH CURRENCY RECOVERY REPORT -----****VEHICLE**

YEAR	MAKE	MODEL	VIN	TAG	STATE	LIEN

----- ATTACH COPY OF STORAGE REPORT AND REGISTRATION -----**OTHER**

TYPE	DESCRIPTION	SERIAL NUMBER

----- ATTACH NON-OWNERSHIP AFFIDAVIT IF APPLICABLE -----

Date Report Received _____ Submit to DA's Office Date _____
 Forfeiture Case Filed ? _____ Date of Filing _____
 Date of Completion _____